

HUMAN RIGHTS

PROGRAM:

Discrimination Investigations

PROGRAM ELEMENT:
PROGRAM MISSION:

To eliminate discrimination in employment, real estate transactions, and public accommodations and to address and resolve complaints of hate/violence

COMMUNITY OUTCOMES SUPPORTED:

- Foster respect for the law
- Assure equal opportunity
- Encourage and appreciate diversity
- Enhance the quality of life

PROGRAM MEASURES

	FY02 ACTUAL	FY03 ACTUAL	FY04 ACTUAL	FY05 BUDGET	FY05 ACTUAL	FY06 APPROVED
Outcomes/Results:						
Total monetary relief obtained (\$)	555,433	450,817	827,044	500,000	^c 270,893	550,000
Percentage of complaints settled voluntarily	20	28	24	30	17	30
Percentage of mediated cases resolved	24	43	63	50	50	53
Relief obtained from conciliations ^a (\$)	68,611	316,850	57,000	60,000	15,000	70,000
Service Quality:						
Average age of cases dual filed with the EEOC (days) ^b	NA	NA	600	620	620	500
Total number of cases in inventory	310	275	316	300	252	275
Efficiency:						
Complaints closed per work year	17.4	19.9	19.5	22.0	20.0	20.8
Average cost per case closed (\$)	4,186	3,876	4,273	4,076	3,964	4,440
Workload/Outputs:						
Complaints closed	226	259	234	264	237	250
Training and technical assistance sessions provided	13	21	11	20	25	15
Inputs:						
Expenditures (\$000)	946	1,004	1,000	1,076	939	1,110
Workyears	13.0	13.0	12.0	12.0	12.0	12.0

Notes:

^a"Conciliation" refers to an informal effort to resolve a finding of discrimination without an administrative trial or public hearing.

^bThe Office dual files employment complaints (about 70% of all cases) with the Federal Equal Employment Opportunity Commission (EEOC) at intake. The average age of a complaint filed with the EEOC is an estimate since the current EEOC computer system does not have accurate information on the dual-filed Office of Human Rights inventory. The EEOC is in the process of replacing the old system with a new Web-based system, which should become available for use by the Office in 2005.

^cThe FY05 actual monetary relief was lower than the level budgeted because (1) fewer persons elected to settle cases voluntarily (therefore triggering full - and potentially time-consuming - investigations), and (2) for cases that were settled voluntarily, many parties agreed to confidential settlements and did not report the settlement amounts to the Office of Human Rights. (If a complaint is withdrawn upon being settled voluntarily, the parties are under no obligation to report private settlement information to the Office.)

EXPLANATION:

This program is a civil rights law enforcement operation which receives, investigates, and resolves formal complaints of discrimination in employment, real estate, and public accommodations on the basis of race, color, religious creed, ancestry, national origin, age, sex, marital status, sexual orientation, disability, source of income, family responsibilities, and the presence of children. This program also receives and investigates hate/violence complaints. A structured intake program evaluates and validates intake inquiries. Once a complaint is accepted, both parties are offered mediation. Cases which fail or do not elect mediation are investigated and resolved or settled with findings on the merits of the complaint. A *de novo* public hearing (administrative trial) before the Commission on Human Rights is mandatory for those discrimination cases which cannot be voluntarily settled. Relief and penalties can be ordered by the Commission. The Office of Human Rights has jurisdiction over private employers with one or more employees, the Montgomery County Government, real estate transactions, and places of public accommodation.

PROGRAM PARTNERS IN SUPPORT OF OUTCOMES: U.S. Equal Employment Opportunity Commission; other Federal, State, and local civil rights enforcement agencies.

MAJOR RELATED PLANS AND GUIDELINES: Chapter 27, Article I, Montgomery County Code; Title VII of the Civil Rights Act of 1964; Title VIII of the Civil Rights Act of 1968; Article 49B, Maryland Annotated Code; judicial precedent.

HUMAN RIGHTS

PROGRAM:

Fair Housing

PROGRAM ELEMENT:
PROGRAM MISSION:

To ensure that all citizens of Montgomery County are afforded equal housing opportunities regardless of their race, color, religious creed, ancestry, national origin, sex, sexual orientation, marital status, presence of children, age, physical or mental handicap, or source of income

COMMUNITY OUTCOMES SUPPORTED:

- Knowledge of and respect for Fair Housing laws
- Provision of equal housing opportunities
- Understanding of individual rights and responsibilities
- Appreciation and encouragement of diversity

PROGRAM MEASURES

	FY02 ACTUAL ^a	FY03 ACTUAL	FY04 ACTUAL	FY05 BUDGET	FY05 ACTUAL	FY06 APPROVED
Outcomes/Results:						
Commission and court complaints filed (enforcement actions taken)	^b 5	1	2	15	ⁱ NA	8
Service Quality:						
Percentage of persons satisfied with training and outreach sessions	NA	NA	NA	NA	ⁱ 92	90
Efficiency:						
Average cost per test for lending tests (\$) ^c	†	†	292	380	^k NA	394
Average cost per test for rental tests (\$) ^d	634	172	168	180	^k NA	187
Average cost per test for new construction testing ^e	118	121	92	100	^k NA	104
Average cost per test for sales testing ^f	490	†	503	550	^k NA	571
Workload/Outputs:						
Paired tests conducted to determine levels of discrimination ^g	234	153	212	200	^k NA	200
Training and outreach sessions held	28	13	36	40	21	40
Inputs:						
Workyears ^h	4.0	4.5	4.5	ⁱ 5.0	ⁱ 5.0	ⁱ 5.0
Expenditures (\$) ^h	288,187	245,833	274,212	279,790	236,426	385,381

Notes:

^aThe Fair Housing Coordinator position was vacant and then frozen for 0.5 work years, which affected all program measures during FY02.

^bIn addition to the 5 Commissioner charges filed, 3 cases were settled, and 12+ cases were under review by the County Attorney, an independent Contractor, and the Compliance Director to determine the next appropriate action.

^cA † indicates that no tests of the given type were undertaken in that year.

^dThe average costs for FY02 include in-house and contract testing. For FY03 and subsequent years, all rental testing is conducted using in-house staff.

^eIn-house testing.

^fContract testing. A † indicates that no tests of the given type were undertaken in that year.

^gCombination of in-house and contract testing.

^hExpenditure and work year figures include support from the General Fund, CDBG/HOME funds, and (in FY02) the Landlord-Tenant Affairs Fund. In FY02, the Office was provided with additional grant funding for rental and sales tests to be conducted by outside contractors.

ⁱ0.5 work years are dedicated to the Community Mediation for Hate/Violence Incidents program, although budgeted under Fair Housing.

^jSales testing did not yield legally sufficient evidence to allow for increased enforcement action.

^kA hiring freeze affected the program's ability to maintain a legally appropriate pool of testers in FY05. In addition, the Testing Coordinator position was vacant for most of year. That position has now been filled, the freeze has been lifted, and testers are being trained to revitalize the testing program.

^lA satisfaction survey form has only recently been developed and was used for the first time at the Predatory Lending Educational Forum.

EXPLANATION:

The Fair Housing Program is designed to enforce housing discrimination laws; coordinate the efforts of County departments, offices, and agencies to prevent housing discrimination; promote fair access and treatment through data analysis, testing, education, training, and outreach; and provide support for the Interagency Fair Housing Coordinating Group. This program actively reaches out to professionals in the housing industry and to the community at large to provide training on fair housing laws, including a fair housing unit which has been incorporated into the 10th grade social studies curriculum in Montgomery County schools. The extent of housing discrimination in the County is determined through an active testing program using matched pairs of testers, as well as special studies such as the biannual mortgage lending study which analyzes the performance of major lending institutions in the County. Enforcement actions are taken as appropriate; the Office of Human Rights works closely with the County Attorney's Office in these efforts.

PROGRAM PARTNERS IN SUPPORT OF OUTCOMES: County Attorney's Office, Department of Housing and Community Affairs, Housing Opportunities Commission, US Department of Housing and Urban Development, Maryland Commission on Human Rights, Montgomery County Public Schools, professional trade associations, financial institutions, community-based organizations.

MAJOR RELATED PLANS AND GUIDELINES: Chapter 27, Montgomery County Annotated Code; Section 49B of the Maryland State Code; Federal Fair Housing Act, as Amended; Civil Rights Act of 1866; Equal Credit Opportunity Act; Truth in Lending Act; Community Reinvestment Act; Home Mortgage Disclosure Act; Americans with Disabilities Act; Analysis of Impediments to Fair Housing; A Fair Housing Plan for Montgomery County.